Supreme Court, U.S.
FILED

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No.

In The
Supreme Court of the United States

October Term, 2009

LATIA M. JONES

Petitioner,

V.

SUPERIOR PROTECTION SERVICES, INC.,
A/K/A SUPERIOR SECURITY SERVICES,

Respondents,

ON PETITION FOR WRIT OF CERTIORARI FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

(1) Whether the Court should hold *Pro Se* pleadings to the same stringent and rigorous standards as lawyers

PARTIES TO THE PRECEEDINGS

LaTia Jones the petitioner, she is the plaintiff in the District Court and the Unites States Court of Appeals. She brings this action on her own behalf. The Respondents are Superior Protection Inc.; they were defendants in the District Court and appellants in the Court of Appeals.

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In The
Supreme Court of the United States

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully petitions this Honorable Court for a writ of certiorari to review the order denying a motion to stay or recall an order issued on July 29, 2009 by the Fifth Circuit Court of Appeals.

OPINIONS BELOW

The unpublished mandate of the Fifth Circuit Court of Appeals was filed on July 7, 2009 and is attached as Appendix D. Appellant's motion to stay the mandate is attached as Appendix E. The one-page order denying

review is also attached as Appendix F.

JURISDICTION

The Judgment was entered on July 7, 2009. A "MOTION TO STAY MANDATE PENDING FILING OF PETITION FOR CERTIORARI" was denied on July 29, 2009. The petitioner seeks review of this judgment by the highest court in which a decision could be had and invokes this Honorable Court's jurisdiction under U.S.C. 28 § 1254 (1), and Sup. Ct. R. 10 (c).

CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

28 U.S.C 1254 (1) mandates that:

> *"By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree."*

STATEMENT OF THE CASE

I. FACTUAL BACKGROUND

On May 19, 2009, Latia Jones' ("Jones") Appeal was sent to the Fifth Circuit Court Of Appeals. On July 7, 2009 a mandate was issued by, HIGGINBOTHAM, SMITH, AND SOUTHWICK Circuit Judges PER CURIAM. On July 22, 2009, Jones sought relief from this order through a motion to the court for a stay pending the filing of a petition for writ of certiorari. On July 29, 2009, Judge Jerry E. Smith DENIED Jones' motion.

II. PRECEEDINGS BELOW

A. DISTRICT COURT

"Final Judgment" was issued on February 9, 2009. On March 1, 2009 Jones requested a 30-day extension to

file her notice of appeal. Jones' 30-Day extension request was GRANTED; she had until April 10, 2009 to file her notice of appeal. On April 10, 2009 Jones filed her notice of appeal. *Hyn Min Park v Michael Houston, District Director Immigration and Naturalization Service; Janet Reno Attorney General Of The United States 245 F.3d 665 (8th Cir. 2001).* On May19, 2009 Jones' appeal was forwarded to the Fifth Circuit Court Of Appeals. *Kopp v. Dir., Office of Worker's Comp. Programs, 877 F.2d 307, 309 (4th Cir. 1989)*

B. THE COURT OF APPEALS

On July 7, 2009 a mandate was issued ordering dismissal of Jones' appeal for lack of

jurisdiction citing Bowels v Russell, *127 S. Ct. 2360, 2366, (2007)*. On July 22, 2009 Jones submitted a Motion To Stay the Mandate Pending Filing of Petition for Certiorari. On July 29, 2009 Jones' Motion for Recall and Stay of the Mandate was DENIED by Judge Jerry E. Smith.

REASONS FOR GRANTING REVIEW

I. INTRODUCTION

The petitioner seeks review of The Fifth Circuit Court Of Appeals order issued on July 29, 2009; denying a motion to stay or recall the mandate pending petition for writ of certiorari. The Courts should show leniency towards *pro se* litigants due to their lack of formal legal training. This case raises important and reoccurring questions when

employment decisions are made based discriminatory purposes.

II. THE COURTS SHOULD SHOW LENIENCY TOWARDS PRO SE LITIGANTS DUE TO THEIR LACK OF FORMAL LEGAL TRAINING

The Courts have long held that *pro se* pleadings are to be read liberally and with leniency. Jones brings this petition on her own behalf without any legal counsel or any formal legal training. *Tannenbaum vs. United States 148 F.3d 1262 (11th Cir. 1998)*. "The law does not entertain the legal fiction that every individual has achieved a state of legal omniscience;..... there is no presumption that all citizens know all of the law all of the time. Practically speaking; citizens must educate themselves about the law." *Grayden vs. Rhodes*

345 F.d 1225 (11th Circuit 09/17/2003). *Pro se* pleadings are not to be held to the same high standards of perfection as lawyers. *Pucket vs. Cox* 456 2nd 233 (6th Cir. 1972). "Where a plaintiff pleads *pro se* in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities." *Picking v. Pennsylvania Railway*, 151 F.2d. 240, (3rd Circuit Court of Appeals). Review should be GRANTED.

III. THE CASE REPRESENTS ISSUES OF VITAL IMPORTANCE TO THE PROSECUTION OF TITLE VII ACTIONS

The Civil Rights Laws prohibits all acts of Discrimination against anyone. "It is unlawful to

discriminate against any employee or applicant for employment because of his/her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of sex. Title VII prohibits both intentional discrimination and neutral job policies that disproportionately exclude individuals on the basis of sex and that are not job related." Superior ignored this law, and for this cause Review should be GRANTED.

CONCLUSION

For the foregoing reasons, the petition for writ of certiorari should be GRANTED.

Respectfully Submitted,

LATIA JONES
Pro Se